



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/150601

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 12, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on September 19, 2013, at Waukesha, Wisconsin.

There is no issue for determination.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

Attorney Anne McIntyre  
2675 N Mayfair Rd Suite 420  
Wauwatosa, WI 53226

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Deborah Price

Waukesha County Health and Human Services  
500 Riverview Avenue  
Waukesha, WI 53188

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. On December 28, 2012, the Petitioner submitted an application for Wisconsin Medicaid for the elderly, blind or disabled. No shelter/utility costs were reported on the application.

3. On January 31, 2013, the agency notified the Petitioner that she was eligible for Medicaid if she met a deductible in the amount of \$4621 for the period of October 1, 2012 – March 31, 2013.
4. The Petitioner appealed the agency decision and a hearing was held with the Division of Hearings and Appeals on May 7, 2013. The issue related to whether the agency properly considered the Petitioner's Disabled Adult Child payments. On May 14, 2013, a decision was issued remanding the case to the agency to redetermine the Petitioner's application and issue a new notice of decision.
5. On May 15, 2013, the agency issued a Notice of Decision informing the Petitioner that she was eligible for MA effective January 1, 2013.
6. On June 17, 2013, the agency issued a Notice of Decision informing the Petitioner that she is eligible for MA if she meets a deductible of \$4,693.98 for the period of April 1, 2013 – September 30, 2013.
7. On July 12, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.
8. On September 19, 2013, the agency received rent expense information from the Petitioner. Based on that information, the agency determined the Petitioner is eligible for MA back to January 1, 2013.

### **DISCUSSION**

The agency based its determination of the Petitioner's eligibility for MA on the information reported in the Petitioner's application. No shelter or utility costs were reported. In March, 2013, the agency made an inquiry to the Petitioner's representative about shelter costs. The representative indicated that she would find out if the Petitioner had such expenses. No information was submitted to the agency until just prior to the hearing on September 19, 2013. Based on the Petitioner's shelter expense, the agency determined that the Petitioner was eligible for MA effective January 1, 2013 without a deductible. Because the agency granted the relief sought by the Petitioner, the agency moved to dismiss this matter. The motion to dismiss was granted as the issue is moot.

### **CONCLUSIONS OF LAW**

The issue is moot and there is no need for a determination.

**THEREFORE, it is**

**ORDERED**

That the petition be, and hereby is, dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

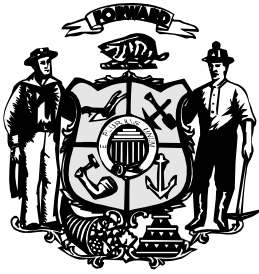
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 26th day of September, 2013

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on September 26, 2013.

Waukesha County Health and Human Services  
Division of Health Care Access and Accountability  
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